

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of

Revision of the Commission's Rules To Ensure
Compatibility with Enhanced 911 Emergency
Calling Systems

CC Docket 94-102

**TeleCorp PCS, Inc., Request for Temporary Waiver of the
Commission's Rules for E911 Phase II Enhanced Services**

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Table of Contents

	Page
I. Introduction and Summary	1
II. The Current State of TDMA Development Provides a Compelling Basis for Granting TeleCorp a Waiver.	4
A. TeleCorp, A Smaller Carrier Operating As an AT&T Brand-Name Affiliate, Faces Significant Technology Constraints.....	4
B. MNLS is TeleCorp's Only Current Phase II Option Given Current Technology Limitations.....	6
III. TeleCorp Meets the Standards for Grant of a Waiver of the E911 Phase II ALI Accuracy Requirements.....	9
A. The Deployment of E911 Phase II Capability is a Concerted Effort.	9
B. The Memorandum of Understanding with Affected PSAPs	12
C. MNLS is a Solid Interim Solution.	13
IV. Conclusion.....	17

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I. Introduction and Summary

TeleCorp PCS, Inc. on behalf of its subsidiaries and affiliates ("TeleCorp"),¹ hereby request a waiver, pursuant to Section 1.925 of the Commission's rules, of the E911 Phase II location accuracy provisions in Sections 20.18(e), (g), and (h) in cases where TeleCorp has a signed Memorandum of Understanding with a local Public Safety Answering Point ("PSAP") Administrator that provides for alternative deployment of Phase II systems. With the full concurrence of affected PSAPs, TeleCorp

¹ The TeleCorp licensee affiliates and subsidiaries include TeleCorp Wireless, Inc.; Tritel, Inc.; TeleCorp of Puerto Rico, Inc.; TeleCorp LMDS, Inc.; Wisconsin Acquisition Corp.; TeleCorp Communications, Inc.; TeleCorp Puerto Rico Realty, Inc.; Tritel PCS, Inc.; Tritel Finance, Inc.; Tritel Communications, Inc.; Tritel C/F Holding Corp.; Air Com PCS, Inc.; Tritel License - Georgia, Inc.; QuinCom, Inc.; Tritel License - Florida, Inc.; DigiCom, Inc.; DigiCall, Inc.; Tritel A/B Holding Corp.; NexCom, Inc.; ClearCall, Inc.; Global PCS, Inc.; ClearWave, Inc.; DigiNet PCS, Inc.; TeleCorp Acquisition Sub., L.L.C.; RW Acquisition, L.L.C.; TeleCorp PCS, L.L.C.; TeleCorp Holding Corp. II, L.L.C.; Zephyr Wireless, L.L.C.; TeleCorp Realty, L.L.C.; Tritel License-Alabama, Inc.

would seek to deploy throughout its network the Mobile-Assisted Network Location System (“MNLS”) as an interim Phase II measure, and later transition to a fully-compliant E911 location solution as TeleCorp’s network upgrade plans are determined. TeleCorp respectfully submits that, if the affected PSAPs are in concurrence with the efforts the company is making towards E911 Phase II deployment, the Commission should not require strict adherence to accuracy requirements that exceed the needs of local administrators.

The Commission requires wireless carriers to begin providing Phase II automatic location identification (“ALI”) for wireless 911 calls on October 1, 2001, or within six months of receiving a request from a Public Safety Answering Point (“PSAP”), whichever occurs later.² The Phase II location accuracy for network-based systems must be 100 meters for 67 percent of calls and 300 meters for 95 percent of calls (the “FCC Accuracy Requirement”).³ The only feasible ALI measure for TeleCorp’s TDMA (*i.e.*, Time Division Multiple Access) network, MNLS, cannot meet this requirement.

MNLS was one of the many Phase II options investigated by a number of wireless carriers and it is a vast improvement over the E911 Phase I capabilities, which only provide the PSAP with the calling number and cell-site sector. AT&T Wireless Services, Inc. (“AT&T”) has indicated that MNLS can provide positioning information that is accurate to 250 meters for 67 percent of the time and 750 meters for 95 percent.⁴ In an effort to move expeditiously toward compliance with the Commission’s

² 47 C.F.R. §20.18(f).

³ 47 C.F.R. §20.18(h).

⁴ See Partially Unredacted Version of AT&T Wireless Services, Inc.’s Request for Waiver of the E911 Phase II Location Technology Implementation Rules, CC Docket 94-102 (May 31, 2001)

rules, TeleCorp is negotiating Memoranda of Understanding (“MoUs”) with a number of PSAPs that have requested activation of E911 Phase II ALI. The purpose of these MoUs is for the parties to acknowledge the limitations of MNLS and to pledge to work together – in a timely manner – towards implementing an E911 Phase II solution that is fully compliant with the Commission’s rules. TeleCorp has, in fact, signed one MoU with a local administrator and expects to reach agreement with a number of other PSAPs shortly.

TeleCorp is committed to providing the best possible Phase II service to its subscribers, but it can only do as much as the currently available wireless location technology allows. The Commission has acknowledged that during the transition to complete Phase II deployment, there will be situations where it is not possible for a wireless carrier to satisfy the Commission’s Phase II requirements by the prescribed deadlines, and the FCC has established a process under which individual waivers may be granted to carriers if they show that special circumstances exist, and that the public interest will be served by a short-lived deviation from the general rules.⁵ The Commission noted that such special circumstances include “technology related” issues. The temporary relief sought by the applicant must be “specific,” and “focused,” and provide a “clear path to full compliance” with the E911 Phase II rules.⁶

TeleCorp’s need for a waiver of the E911 Phase II rules is clearly “technology related,” as there is no location technology that can be reliably deployed within its existing network that currently meets the FCC’s Accuracy Requirement. As explained in detail below, TeleCorp’s path to full compliance is

(“AT&T Waiver Request”) at 13.

⁵ Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Fourth Memorandum Opinion and Order*, 15 FCC Rcd 17442, 17457 (¶ 43) (2000) (“*Fourth MO&O*”).

clear and focused. Thus, TeleCorp respectfully requests that the Commission grant its request for a temporary waiver of the Commission's E911 Phase II implementation rules.

II. The Current State of TDMA Development Provides a Compelling Basis for Granting TeleCorp a Waiver.

A. TeleCorp, A Smaller Carrier Operating As an AT&T Brand-Name Affiliate, Faces Significant Technology Constraints.

TeleCorp is a brand-name affiliate of AT&T Wireless PCS, Inc. ("AT&T").⁷ AT&T's expansive network provides wireless communications services in all 50 states and in parts of Canada. The total number of subscribers on AT&T's nationwide network is 15.7 million; and when affiliates and partnerships are included, the AT&T-branded network includes a subscriber base of nearly 18 million.⁸ Yet, notwithstanding the fact that TeleCorp's subscriber base is growing quickly, it still comprises less than 4.2 % of the total number of AT&T's subscribers.⁹

All of the equipment that TeleCorp has currently deployed in its wireless network supports the TDMA (*i.e.*, Time Division Multiple Access) interface standard, *i.e.*, AT&T's legacy wireless interface. Currently there are no TDMA handsets manufactured that can support the ALI location accuracy requirements. Based on information in the record of this proceeding, no TDMA handset manufacturers

⁶ See *id.*

⁷ Operating under the "SunCom" brand.

⁸ See Press Release, AT&T Wireless Group First Quarter Revenue Increases 46.2 Percent (Apr. 24, 2001), *available at* <<http://www.att.com/press>>.

⁹ See Press Release, TeleCorp PCS Announces 230% Increase in Subscribers and 170% Increase in Revenues over First Quarter 2000 (May 14, 2001), *available at* <<http://www.telecorppcs.com>> (total TeleCorp PCS subscribers at end of 1Q01 was 752,599).

have any future plans to develop TDMA handsets that support ALI.¹⁰ It is therefore not possible for TeleCorp to meet the Commission's October 1, 2001, deadline with a handset-based ALI system. TeleCorp's only Phase II option – in the near term – is to implement a network-based TDMA measure. The only commercially viable network-based TDMA option that has been shown in field tests to perform reliably is MNLS.

As a brand name affiliate of AT&T, TeleCorp has every commercial incentive to be compatible with AT&T's nationwide network. On November 30, 2000, AT&T announced its plans to form a strategic alliance with NTT DoCoMo to develop the next generation of multimedia mobile services on a global standard wireless network. AT&T subsequently informed the FCC of its plans to overlay a GSM (*i.e.*, Global System for Mobile Communications)/GPRS (General Packet Radio Service) platform on its existing nationwide TDMA network.¹¹ This platform supports Enhanced Observed Time Difference of Arrival ("E-OTD") E911 Phase II technology that has been shown in field tests to comply with the FCC's Accuracy Requirement for network-based technologies.¹² E-OTD will meet the FCC Accuracy Requirements as defined in previous waivers and will be immediately available to GSM network users as the overlay system is deployed. E-OTD also offers the potential of improving its

¹⁰ In comments supporting the AT&T Waiver Request, Motorola provided two reasons why handset manufacturers are abandoning TDMA: TDMA is a second generation technology that does not have a simple migration path to more advanced systems with richer features; and none of the major wireless carriers plan to use TDMA as a 3G platform (*e.g.*, AT&T has announced that it is moving to GSM). Thus Motorola is refocusing its efforts to meet the growing demand for those 2G technologies, such as GSM and CDMA, that have well established migration paths. *See* Motorola Comments at 3. *See also* Nokia Comments at 6.

¹¹ *See* Press Release, AT&T and NTT DoCoMo Announce Strategic Wireless Alliance (Nov. 30, 2000).

¹² The Commission previously granted a waiver under similar circumstances allowing VoiceStream

location accuracy over time. In addition, unlike their position toward future support of TDMA, all of the major handset suppliers (*e.g.*, Motorola, Ericsson and Nokia) will soon be providing E-OTD equipped handsets.¹³

Although TeleCorp cannot guarantee at this time that it will transition to GSM/GPRS, it is highly likely that TeleCorp's board of directors and management will decide to transition from TDMA to the GSM/GPRS air interface. Once TeleCorp formally announces that such a transition will be undertaken, it will work with each affected PSAP to prioritize the upgrade in the PSAP jurisdiction to a Phase II system that will comply with the FCC Accuracy Requirement.

B. MNLS is TeleCorp's Only Current Phase II Option Given Current Technology Limitations.

TeleCorp intends to deploy MNLS on its network as an interim measure while it progresses towards a fully compliant solution. Any fully compliant solution will likely require a new air interface and a complete change out of the equipment in TeleCorp's network. MNLS provides area-wide coverage upon deployment and will allow TeleCorp to deploy E911 Phase II services in the shortest time period. Once installed, the accuracy of MNLS can improve over time, as it is able to add to its location information data base with each call. Moreover, MNLS allows the E911 network to continually refine subscriber location information during the progress of the call.

to deploy E-OTD on its GSM network. *See Fourth MO&O* at ¶ 56.

¹³ See Comments of Motorola in Response to AT&T Waiver Public Notice, CC Docket 94-102, RM-8143 (May 7, 2001) ("Motorola Comments") at 2-3. See also Comments of Nokia in Response to AT&T's Request for Waiver, CC Docket 94-102 (May 7, 2001) ("Nokia Comments") at 4; comments of Ericsson in Response to AT&T's Request for Waiver, CC Docket 94-102 (May 7, 2001) ("Ericsson Comments"). As stated previously, none of the current TDMA handset manufacturers plan to develop TDMA handsets that support ALI.

The FCC Accuracy Requirement for network-based systems must be 100 meters for 67 percent of calls and 300 meters for 95 percent of calls. None of the network-based Phase II options can meet this requirement. As a brand-name affiliate of AT&T, TeleCorp has been monitoring the E911 Phase II testing that AT&T has conducted. In its Waiver Request, AT&T presents detailed information on a number of field trials.¹⁴

For example, the TruePosition and Grayson field trials yielded accuracy results that failed to meet by a wide margin the FCC Accuracy Requirement for network-based systems. TruePosition provided positioning information accuracy to within 317 to 318 meters for 67 percent of the calls, and 965 meters to well over 1 kilometer for 95 percent of all tested calls. Similarly, the Grayson results were 245 to 855 meters for 67 percent of the calls, and 474 meters to well over 1.5 kilometers for 95 percent of the calls.¹⁵

MNLS was one of the many Phase II options investigated by AT&T, TeleCorp and a number of other wireless carriers. It is a vast improvement over the E911 Phase I capabilities, which only provide the PSAP with the calling number and cell-site sector. While it currently cannot meet the FCC Accuracy Requirement, MNLS does provide positioning information that is accurate to 250 meters for 67 percent of the time and 750 meters for 95 percent of the time. As discussed in detail later in this pleading, MNLS has a number of other features that make it an attractive interim measure.

¹⁴ See AT&T Waiver Request.

¹⁵ The Grayson trial also experienced longer than expected downtime and antenna failures. See *id.* at 9. A follow-up field trial in Denver with the Grayson equipment yielded slightly better results, but that trial was hampered by a number of issues related to installing necessary infrastructure (which would likely be amplified during actual equipment roll-out). See *id.* at 9-10.

Because TeleCorp's TDMA network comprises such a small portion of AT&T's nationwide network, it has been unable to conduct any full-scale testing to the same extent that AT&T has. E911 Phase II equipment vendors that TeleCorp has sought out have been reluctant to test their equipment within TeleCorp's limited network without a firm commitment from TeleCorp that it will purchase equipment from the vendor. TeleCorp's small size makes it unable to agree to such a severe condition. As a result, TeleCorp is forced to rely in large part on the E911 Phase II testing and analysis efforts of larger wireless carriers, such as AT&T.

At present, TeleCorp plans to deploy the MNLS capability where it has entered into a Memorandum of Understanding ("MoU") with a designated PSAP who has requested E911 Phase II activation. These MoUs will be individually negotiated with each PSAP requesting Phase II implementation and are intended to balance public safety needs on a local basis with the technical limitations inherent in current technologies. The MoU will explain that, while MNLS provides Phase II location information, it does not meet the Commission's location accuracy requirements for network-based E911 solutions. The MoU will further explain that MNLS is being implemented by TeleCorp as an interim measure and commits TeleCorp to working towards implementing an E911 Phase II solution that will fully support the Commission's ALI requirements for both handset-based and network-based solutions. While TeleCorp may need additional time to comply with the Commission's regulations, TeleCorp will work with each PSAP Administrator who has requested E911 Phase II activation to ensure that the transition to the Phase II compliant solution is accomplished in a timely manner.

III. TeleCorp Meets the Standards for Grant of a Waiver of the E911 Phase II ALI Accuracy Requirements.

It is well established that a waiver of the Commission's rules is appropriate where (i) special circumstances warrant a departure from the general rule, (ii) the deviation will serve the public interest, and (iii) the waiver is consistent with the principles underlying the rule.¹⁶ Indeed, in the context of the E911 Phase II implementation rules, the Commission has recognized that individual waivers, which are "specific, focused and limited in scope, and with a clear path to full compliance," may be granted where "technology-related issues" or "exceptional circumstances" make it impossible for a wireless carrier to meet the October 1, 2001 deadline.¹⁷ As explained in the following section, the instant request satisfies this standard.

A. The Deployment of E911 Phase II Capability is a Concerted Effort.

In November 1999, the Commission revised its rules regarding the necessary conditions for E911 services.¹⁸ Under the revised rules, the E911 Phase II requirements are conditional. The requirements are applicable to wireless carriers only if the PSAP that has requested activation of Phase II capabilities: (1) is capable of receiving and utilizing the associated E911 Phase II data elements that would be provided by the wireless carrier, and (2) the PSAP has in place a means of recovering its costs of the E911 service.¹⁹ The regulations do not mandate any state action nor do they define the

¹⁶ See *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

¹⁷ See *Fourth MO&O* at ¶ 43.

¹⁸ Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, RM-8143, *Second Memorandum Opinion and Order*, 14 FCC Rcd 20850 (1999) ("*Second MO&O*").

¹⁹ See *id.*

nature and extent of any funding mechanism or technology and service capabilities needed to make a valid service request.²⁰ The Commission stated in its *Second MO&O* that its rules are not intended to interfere with state or local governments' authority over 911 systems and how those systems are managed and maintained. The Commission did not want to disturb any current state and local cost recovery schemes that are working, nor did the agency want to discourage state and local governments from deciding that cost recovery or sharing mechanisms that cover carrier costs are an effective approach to expedite delivery of wireless E911 services to their citizenry.

Congress, when enacting the 911 Act, recognized that E911 implementation is carried out at the local level in that most of the key decisions in this area are not made by the federal government, but by the private sector and state and local governments.²¹ The Senate Committee on Commerce, Science, and Transportation recognized that “the transition to a national 9-1-1 system will be facilitated by cooperation between state and local governments and the private sector. This legislation is intended to encourage cooperation in the development and implementation of coordinated state plans to upgrade 9-1-1 systems.”²²

²⁰ Implementation of 911 Act; the Use of N11 Codes and Other Abbreviated Dialing Arrangements, WT Docket 00-10, CC Docket 92-105, *Fourth Report and Order and Third Notice of Proposed Rulemaking* (¶¶ 11, n.22, 18) (rel. August 29, 2000) (noting that the 911 Act's legislative history makes clear that the transition periods “be determined by service area-specific circumstances and capabilities.”).

²¹ See *id.* at ¶ 24.

²² Report of the Committee on Commerce, Science, and Transportation on S.800, Wireless Communications and Public Safety Act of 1999, Sen. Rep. 106-138, at 6 (1999). Congress also urged the Commission to “consult and cooperate with the various state and local public emergency service agencies as well as public safety and the telecommunications industry,” and to “encourage each state to develop and implement coordinated deployment plans.” *Id.*

Indeed, the Commission also understands that to make E911 Phase II a reality, there must be concerted effort involving the wireless carrier and designated PSAPs, as well as a number of other entities.²³ The efforts of the wireless carrier must be combined with those of wireless network equipment suppliers, wireless handset suppliers, and third-party installation firms. PSAP efforts include upgrading E911 infrastructure, selecting and installing the necessary equipment, working with incumbent local exchange carriers, and working with both local and state government to establish a funding mechanism. Thus, many of the important Phase II decisions and implementation details are outside the direct control of the PSAP and wireless carrier. Timely implementation of Phase II capabilities will be achieved only if all parties cooperate.²⁴ TeleCorp's agreements with PSAPs that are E911-ready recognize this critical fact, as the MoUs that the parties have negotiated are premised on close cooperation among all interested parties. By agreeing to work together at this early stage, the PSAPs and TeleCorp will be better able to influence the work efforts of those entities noted above that are not under the direct control of either the PSAP or TeleCorp.

TeleCorp's proposal includes a staged roll-out of E911 Phase II capabilities that will allow it to prioritize its conversion efforts on those PSAPs that are ready to support Phase II service. In this regard, TeleCorp notes that it has committed to full Phase I compliance in all markets, regardless of whether a PSAP has made a Phase I request or not. Furthermore, any E911 Phase II-ready PSAP that requests ALI activation and has in place an MoU with TeleCorp, will be provided with MNLS

²³ See generally *Fourth MO&O* at ¶ 7.

²⁴ The Phase I implementation process proved to be quite challenging due to the necessary involvement of a number of parties. Because of the complexity of the technology and the increased need for all parties to work together, Phase II implementation is proving to be even more challenging.

capabilities within 60 days of the General Availability (“GA”) of appropriate MNLS-capable mobile switch software.

TeleCorp will continue to improve the performance of MNLS in those markets where TDMA is deployed, as well as its next generation systems incorporating E-OTD capabilities when, and if, GSM systems are deployed. Such coordinated deployment of E911 Phase II technology clearly serves the public interest and enhances public safety.

B. The Memorandum of Understanding with Affected PSAPs

In its *Second MO&O*, the Commission concluded that negotiations between wireless carriers and PSAPs should be the primary means of ensuring an expeditious selection of an E911 solution that meets the individual requirements of each in a particular situation.²⁵ The MoU TeleCorp will enter into with each of its PSAPs that request E911 Phase II activation are a key part of this process.

The major provisions of the MoU are as follows:

- A commitment by TeleCorp to deploy MNLS within a set timeframe from the general availability date of MNLS software for the local switch;
- Recognition that the MNLS does not currently meet the FCC’s accuracy requirement;
- A commitment by TeleCorp to prioritize deployment of a fully FCC compliant ALI solution when a fundamental upgrade path is made clear; and,
- The MoU can be cancelled by either party upon six month notice.

TeleCorp has already signed one MoU with a local PSAP and is in the process of negotiating MoUs with a number of other jurisdictions.

²⁵ See *Second MO&O* at ¶¶ 7, 99.

PSAPs that have asked TeleCorp to activate Phase II ALI understand and accept that MNLS does not currently support the FCC Accuracy Requirements. They have expressed a willingness to accept it as an interim measure and accept TeleCorp's pledge to use its best efforts to move towards a fully compliant Phase II solution in a timely fashion. Should the Commission decide to grant the instant request, TeleCorp fully expects that the waiver will be premised upon TeleCorp successfully negotiating with each PSAP requesting Phase II ALI activation an MoU containing mutually acceptable terms and conditions.

The MoU is based firmly on the common goal of moving towards E911 Phase II compliance in a timely and reasonable commercial manner. This understanding of the parties is based on the Commission's recognition that the public interest is best served where the PSAP and wireless carrier work together on an agreeable implementation schedule.

C. MNLS is a Solid Interim Solution.

TeleCorp will deploy MNLS within its TDMA network – as an interim Phase II measure – pending the deployment of a final Phase II solution that will be fully compliant with the Commission's rules. Once TeleCorp's Board of Directors decide if GSM will overlay its existing TDMA network, TeleCorp will be able to determine if MNLS or E-OTD will be the final Phase II deployment path.

In its Waiver Request, AT&T concludes that MNLS is the best solution for its TDMA customers.²⁶ (The E-OTD E911 Phase II solution that is supported by the GSM platform will not function adequately in a TDMA network due to bandwidth constraints. For example, it can only generate location information when the handset is in idle mode.) While MNLS cannot currently support

²⁶ See AT&T Waiver Request.

the FCC Accuracy Requirement, it has other capabilities that make it a very attractive interim solution. Indeed, the Commission has acknowledged that accuracy is only one of several important means by which ALI technologies contribute to public safety.²⁷ Other relevant factors to consider include the E911 Phase II system reliability, cost, rate and extent of deployment, and likelihood of future improvements.²⁸ MNLS scores high with regard to these other factors. For example, MNLS may be immediately and broadly deployed, and it allows location information to be updated throughout the E911 call. As AT&T and other parties noted in their comments on AT&T's Waiver Request, these attributes strongly weigh in favor of implementing MNLS.

MNLS May Be Rapidly Deployed. Once deployed within a TDMA wireless system, MNLS is made available to all cell sites and wireless handsets instantaneously.²⁹ Therefore, there is no need for a staged roll-out within a given PSAP's jurisdiction. To determine the mobile user's location, MNLS uses signal strength measurements through capabilities that are inherent in each TDMA handset. This capability, known as mobile-assisted handoff ("MAHO"), is already present in all TDMA handsets deployed by TeleCorp – as well as AT&T. Because of this, implementing MNLS does not require any modification or replacement of existing handsets.

²⁷ See *Fourth MO&O*, ¶¶ 40, 85.

²⁸ See *id.*

²⁹ MNLS instantly becomes available to all subscribers upon deployment. All TeleCorp subscribers with TDMA handsets will have available E911 location benefits simultaneously with MNLS activation. AT&T notes also in its Waiver Request that MNLS is also available to non-AT&T customers who have TDMA handsets. Thus, roaming users, who are most likely to be unaware of their exact location due to unfamiliarity, will be able to take advantage of this technology as will any user of the AT&T network.

Unlike some other E911 Phase II technologies that have been investigated, MNLS does not require approval by state or local governments and is not likely to introduce public opposition as no additional equipment – such as oversized antennas – need to be installed on cell-site towers. Therefore, the rate of deployment for MNLS is superior to other TDMA network-based E911 technologies.

MNLS is Consistent with E911 Wireless Standards. MNLS complies with E911 standards, as the technology is in the process of being adopted by the TR45.2 Ad-Hoc Committee on Emergency Services, *i.e.*, the ANSI committee overseeing wireless E911 standards comprised of PSAP and wireless communications industry representatives.

MNLS Accuracy Improves Over Time. The MNLS data base is initially populated with detailed mathematical calculations of positioning information based on signal strength predictions that are used to locate a E911 caller. As the system is operated, the data base can be supplemented with field data compiled from actual signal strength measurements. In this way, the field measurements become a critical part of the data base and can be used to provide more precise positioning information to further improve MNLS accuracy.

MNLS Allows for Location Information to be Updated During a Call. MNLS allows signal strength measurements to be transmitted at set intervals throughout the duration of a 911 call. This stream of information provides the E911 data base with updated measurements and makes sure that the system has the most current information regarding the user's location. This aspect of MNLS is especially valuable because mobile users in an emergency situation may change their location while on a call.

In consideration of all these factors relevant to E911 deployment, MNLS certainly offers significant advantages to TDMA customers and TeleCorp should be permitted to deploy it as an interim

measure as TeleCorp transitions to a platform that is fully compliant with the Commission's E911 Phase II regulations.

* * *

When the Commission initially adopted rules to stimulate the development of wireless technology for E911 systems, it recognized that meeting the E911 Phase II requirements by October 1, 2001, would be very challenging.³⁰ The FCC was right. Accordingly, the Commission has already established a waiver process for those carriers that are unable to meet this deadline. TeleCorp meets the FCC's conditions for granting such a waiver.

Granting TeleCorp a temporary waiver of the E911 Phase II rules is also consistent with the Commission's policy of technology neutrality. The FCC has noted that none of the ALI solutions are perfect: "Each has its advantages and limitations. Each may be improved in the future. Under these circumstances, we believe that the public interest and public safety will best be served by allowing a broad range of technologies ... a reasonable opportunity to compete in providing 911 ALI."³¹ Granting limited waivers of the Phase II rules to individual wireless carriers to enable more precise technologies is a logical extension of this policy, which recognizes that unique circumstances will face each carrier as it implements a fully-compliant Phase II solution.

³⁰ See *Fourth MO&O* ¶ 7.

³¹ Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Third Report and Order*, 14 FCC Rcd 17388, 17404-05 (¶ 33) (1991) ("*Third R&O*").

TeleCorp agrees with the NENA/APCO premise that: “The better course – indeed the only viable course – in such a rapidly changing technological environment is to do the best we can now with what is proven to be available, and upgrade later when better solutions can be shown as workable.”³²

TeleCorp submits that MNLS is the best available solution for TDMA and a waiver to permit its use would be in the public interest. Further, in keeping with the NENA/APCO comments, TeleCorp is committed to enhancing MNLS for its existing TDMA network and to implementation of E-OTD should TeleCorp undertake efforts to overlay its TDMA systems with a GSM network.

IV. Conclusion

For the foregoing reasons, TeleCorp respectfully requests that the Commission grant its request for a temporary waiver of the E911 Phase II implementation rules.

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³² See Comments of APCO and NENA, as Public Safety Organizations, in Response to Request For Waiver of AT&T Wireless Services, Inc., CC Docket 94-102 (May 7, 2001) at 9.